

Introduced by Senator Wright

February 18, 2009

An act to add Section 110726 to the Health and Safety Code, relating to misbranded food.

LEGISLATIVE COUNSEL'S DIGEST

SB 190, as introduced, Wright. Misbranded food: pomegranate juice.

The Sherman Food, Drug, and Cosmetic Law contains various provisions regarding the contents, packaging, labeling, and advertising of food, drugs, and cosmetics. The law provides that, except as specified, any food fabricated from 2 or more ingredients is misbranded unless it bears a label clearly stating the common or usual name of each ingredient, and if the food purports to be a beverage containing vegetable or fruit juice, a statement with appropriate prominence on the information panel of the total percentage of fruit or vegetable juice contained in the food. The law makes it a misdemeanor to misbrand any food.

The law also provides that all food labeling regulations adopted pursuant to the federal Food, Drug, and Cosmetic Act shall be the food labeling regulations of this state.

This bill would provide that pomegranate juice is misbranded if the label does not meet the percentage juice declaration requirements of a specified federal regulation. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:

3 (a) California is the only commercial growing region of
4 pomegranates in the United States.

5 (b) California farmers grow commercial pomegranates on
6 approximately 35,000 acres, generating thousands of jobs and
7 nearly \$75,000,000 to California's farm economy.

8 (c) California pomegranate varieties are superior in quality,
9 size, taste, and color to pomegranates produced abroad.

10 (d) Many pomegranates grown in California are processed into
11 juice, which is sold throughout the United States and abroad.

12 (e) Over \$25,000,000 has been spent on medical research on
13 specific varieties of California pomegranates. This research shows
14 that these California pomegranates contain high levels of
15 antioxidants, which help fight free radicals. Also, 100 percent
16 pomegranate juice from California pomegranates helps fight
17 prostate cancer and heart disease. Preliminary research shows
18 benefits relating to colon cancer, erectile dysfunction, and diabetes.

19 (f) The proven benefits of authentic 100 percent California
20 pomegranate juice, combined with the high costs of production,
21 have led to the selling of diluted and adulterated pomegranate juice
22 on the market that is falsely represented as 100 percent
23 pomegranate juice. Misbranded pomegranate juice not only
24 misrepresents the health value of the pomegranate juice to
25 consumers, it also damages those who manufacture authentic 100
26 percent pomegranate juice and the economic health of the state's
27 pomegranate growers.

28 SEC. 2. Section 110726 is added to the Health and Safety Code,
29 to read:

30 110726. Pomegranate juice is misbranded if the label does not
31 meet the percentage juice declaration requirements of Section
32 101.30 of Title 21 of the Code of Federal Regulations in effect as
33 December 31, 2009.

34 SEC. 3. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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